

# Notice of Allowability

Application No.

10/031,217

Examiner

Robert Sellers

Applicant(s)

FISCHER ET AL.

Art Unit

1712

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 19 July 2004.
2. ☒ The allowed claim(s) is/are 1-12 and 14-16.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                             |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>804</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                     |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                    |
|   | 9. <input type="checkbox"/> Other _____   |

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David E. Wigley on August 10, 2004.

The application has been amended as follows:

Claim 1, line 5, after "material" insert --by completely reacting the epoxy groups of the epoxidation product with the crosslinking agent(s)--.

Claim 1, line 8, after "material" insert --by crosslinking the remaining unsaturated double bonds via radical hydrogen abstraction, or by radical polymerization, or a combination thereof, in the presence of a radical-forming initiator,--.

Claim 14, line 1, change the dependency from claim "13" to claim --1--.

Cancel claims 13, 17 and 18.

The following is an examiner's statement of reasons for allowance:

2. The 35 U.S.C. 112, second paragraph rejection is rescinded since the specification on page 9, the third paragraph, distinguishes between the auxiliary agents and the fillers, pigments and hydrophobizing agents of claim 12.

3. The closest prior art to Kastl et al. Patent No. 6,150,436 does not recite the newly inserted limitation requiring the claimed step (4) of curing by subjecting the unsaturated double bonds to radical hydrogen abstraction and/or radical polymerization in the

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presence of a radical-forming initiator. Although Hover et al. Patent No. 5,179,149 teaches pre-crosslinking a fatty acid oil followed by curing with a peroxide, the pre-crosslinking is a different mechanism from the newly claimed step (2) of pre-crosslinking by completely reacting the epoxy groups with a crosslinking agent.

4. Accordingly, the claimed combination of pre-crosslinking involving a reaction between the epoxy groups of the epoxidized carboxylic acid ester and a crosslinking agent, and curing of the unsaturated double bonds in the presence of a radical-forming initiator is not recited. There is no motivation to pre-crosslink employing one mechanism and curing with a different mechanism.

5. Related application no. 10/296,520 is directed to the reaction product of an epoxidized carboxylic acid ester and a mixture of a polycarboxylic acid partial ester and a polycarboxylic acid which is distinct subject matter from the instantly claimed process of producing a flat article.

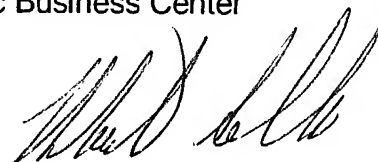
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled

"Comments on Statement of Reasons for Allowance."

(571) 272-1093 (Fax no. (703) 872-9306)  
Monday to Friday from 9:30 to 6:00 EST

Any administrative inquiries can be obtained by accessing the Patent Application Information Retrieval (PAIR) system. Published applications are available through either private or public PAIR. Unpublished applications are available via private PAIR only. Consult <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

rs 8/10/04



ROBERT E.L. SELLERS  
PRIMARY EXAMINER